

**THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

**UNITED STATES OF AMERICA**

**v.**

**KRISTOPHER KNEUBUHLER,**

**Defendant.**

**CRIMINAL ACTION FILE**

**NO. 1:23-CR-0047-MHC-JEM**

**ORDER**

This action comes before the Court on the Non-Final Report and Recommendation (“R&R”) of the Magistrate Judge [Doc. 44] recommending that Defendant’s Motion to Suppress the Search of 300 Anchorage Pl., Roswell, Georgia 30076 [Doc. 31] be denied. The Order for Service of the R&R [Doc. 45] provided notice that, in accordance with 28 U.S.C. § 636(b)(1), the parties were authorized to file objections within fourteen (14) days of the receipt of that Order. No objections have been filed by the United States or Defendant within the time permitted.

Absent objection, the district court judge “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Based upon the absence of objections to the R&R, in

accordance with 28 U.S.C. § 636(b)(1), the Court has reviewed the R&R for plain error. See United States v. Slay, 714 F.2d 1093, 1095 (11th Cir. 1983). The Court finds no plain error and that the R&R is supported by law.

Accordingly, the Court **ADOPTS** the R&R [Doc. 44] as the Opinion and Order of the Court. It is hereby **ORDERED** that Defendant's Motion to Suppress the Search of 300 Anchorage Pl., Roswell, Georgia 30076 [Doc. 31] is **DENIED**.

It is further **ORDERED** that the time between the date the Magistrate Judge certified Defendant ready for trial on August 3, 2023, and the issuance of this Order, shall be excluded in calculating the date on which the trial of this case must commence under the Speedy Trial Act because the Court finds that the delay is for good cause, and the interests of justice in providing Defendant with the right to file objections to the R&R outweigh the right of the public and the right of the defendant to a speedy trial, pursuant to 18 U.S.C. § 3161, et seq.

**IT IS SO ORDERED** this 24<sup>th</sup> day of August, 2023.



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MARK H. COHEN  
United States District Judge